

STATE OF COLORADO,  
OFFICE OF ADMINISTRATIVE COURTS

v.

Case No. \_\_\_\_\_

**SUBPOENA TO APPEAR PRODUCE**

TO: \_\_\_\_\_

You are ordered to attend and give testimony at:

\_\_\_\_\_ (Address)

on \_\_\_\_\_ (Date) \_\_\_\_\_ (Time) as a witness for \_\_\_\_\_.

At that time and place, you also shall produce the following items now in your custody or control:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dated: \_\_\_\_\_

\_\_\_\_\_  
Administrative Law Judge

**AFFIDAVIT OF SERVICE**

I declare under oath that, I am over the age of 18 years and not a party to this case and that, I served this

Subpoena to ☐ Appear ☐ Produce to the Witness named above:

Check one:

- ☐ By handing it to a person identified to me as the Witness or by leaving it with the Witness who refused service.
- ☐ By leaving it with one of the following:
- ☐ At the person's usual place of abode with a person over the age of 18 years who is a member of the person's family;
  - ☐ At the person's usual place of business with the person's secretary, bookkeeper, or chief clerk; or
  - ☐ by delivering a copy to an agent authorized by appointment or by law to receive service papers.
- ☐ I attempted to serve the Witness on \_\_\_\_\_ occasions but have not been able to locate the Witness.

- ☐ Private process server
- ☐ Sheriff, \_\_\_\_\_ County

Fee \$ \_\_\_\_\_ Mileage \$ \_\_\_\_\_

\_\_\_\_\_  
Signature of Process Server

\_\_\_\_\_  
Name (Print or type)

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public /Deputy Clerk

\_\_\_\_\_  
Date

# INSTRUCTIONS FOR ISSUING A SUBPOENA

## Office of Administrative Courts

THESE STANDARD INSTRUCTIONS ARE FOR INFORMATIONAL PURPOSES ONLY AND DO NOT CONSTITUTE LEGAL ADVICE ABOUT YOUR CASE. IF YOU CHOOSE TO REPRESENT YOURSELF, YOU ARE BOUND BY THE SAME RULES AND PROCEDURES AS AN ATTORNEY.

### GENERAL INFORMATION BEFORE YOU REQUEST AN ADMINISTRATIVE LAW JUDGE ISSUE A SUBPOENA

- ☐ A Subpoena must be served no later than 48 hours prior to the appearance date.
- ☐ A Subpoena to Appear is a document issued by an attorney or an Administrative Law Judge at the request of a party to require the appearance of a witness at a hearing or deposition.
- ☐ A Subpoena to Produce (Subpoena Duces Tecum) is a document issued to require the witness to bring certain documents or evidence in their possession with them to the hearing or deposition.
- ☐ A hearing or deposition must be set prior to requesting a Subpoena.

### FEES

There is no filing fee for this process. However, you are required to pay the witness and mileage fees. See Step 3 below.

### STEPS TO ISSUING A SUBPOENA

- ☐ **Step 1: Complete the upper portion of the Subpoena.** Each witness must be served a Subpoena, so prepare as many as necessary.
  - ☐ When requesting a witness to bring certain items, be specific and clear when identifying the items.
  - ☐ You will need two copies in order to complete personal service.
  - ☐ You can make your own copies or the Clerk can make the copies and charge for each copy.
- ☐ **Step 2: Submit the Subpoena(s) to a clerk at the Office of Administrative Courts.**
  - ☐ The clerk may verify that the names, case number, date and time are accurate and obtain the signature of an administrative law judge. The Subpoena(s) then will be returned to you for personal service on the witness.
- ☐ **Step 3: Prepare a check for each witness.**
  - ☐ You must provide each witness with a fee of \$1.50 per day if the hearing is in Denver. The fee is more in other counties. See Sections 13-33-102 and 30-1-101 C.R.S. In addition to the daily fee, you must pay \$.28 per mile for each mile the Witness must travel to and from the hearing or deposition.
  - ☐ If the witness is a doctor or other expert, you must arrange with the expert witness to pay an expert witness fee. In a Workers' Compensation case, a doctor or other expert witness may charge up to \$400 per hour, and require a 4-hour deposit be paid prior to the hearing. See Rule XVIII(F)(5), Workers' Compensation Rules of Procedure.
- ☐ **Step 4: Complete Personal Service.** Helpful Hints to complete personal service:
  - ☐ Service must be completed no later than 48 hours prior to the appearance date identified on the Subpoena.
  - ☐ Take both copies to the sheriff, a private process server, or anyone over the age of eighteen NOT involved in the case for service. Attach a check for the witness fee to the copy of the Subpoena to be served on the witness.
  - ☐ Be sure to direct the sheriff, private process server, or person serving the Subpoena to return the completed copy of the Subpoena / Return of Service to you as soon as possible after service has been completed. Bring the completed Subpoenas when you come to the hearing.